

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE SONUS NETWORKS, INC.  
SECURITIES LITIGATION

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**Civ. Action No. 04-10294 DPW**

**NOTICE OF SUPPLEMENTAL AUTHORITY IN  
SUPPORT OF DEFENDANTS SONUS NETWORKS, INC.'S AND HASSAN M.  
AHMED'S OPPOSITION TO BPI GLOBAL ASSET MANAGEMENT LLP'S  
MOTION FOR CLASS CERTIFICATION**

In support of their January 5, 2007 Opposition to BPI Global Asset Management LLP's Motion for Class Certification, Defendants Sonus Networks, Inc. and Hassan M. Ahmed respectfully bring to the Court's attention the decision recently issued in *Kaplan v. Gelfond*, No. 06 Civ. 6128, Slip Op., 2007 WL 162488 (S.D.N.Y. Jan. 18, 2007). (A copy of the decision is attached hereto as Exhibit A.)

In *Kaplan*, which involved alleged violations of section 10(b) and Rule 10b-5, an investment advisor sought lead plaintiff appointment. The court concluded that an investment advisor has standing to sue on its clients' behalf only "if it is authorized to act as attorney-in-fact with unrestricted decision making authority for the funds at issue." *Id.* at \*5. The court determined that the investment advisor was attorney-in-fact for its clients based on: (1) a sworn declaration from the investment advisor stating that it was attorney-in-fact for the relevant funds and was "authorized to undertake all acts," including commencing legal action, on their behalf; and (2) an investment agreement that designated the investment advisor's President as attorney-in-fact and agent for one of the

funds at issue. *Id.* at \*5 & n.9. The court noted that its conclusion was consistent with *In re Turkcell Iletism Hizmetler, A.S. Securities Litigation*, 209 F.R.D. 353, 358 (S.D.N.Y. 2002), in which the court determined that BPI Global Asset Management LLP lacked standing to sue because it suffered losses in only a representative capacity and was not attorney-in-fact for its clients. *Kaplan*, 2007 WL 162488, at \*5 n.8.

Respectfully Submitted,

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Dated: February 2, 2007

**CERTIFICATE OF SERVICE**

I, Melissa B. Coffey, hereby certify that on February 2, 2007, I caused a true copy of the foregoing document to be served electronically via the Court's Electronic Filing System upon all counsel of record.

Dated: February 2, 2007

/s/ Melissa B. Coffey  
Melissa B. Coffey